

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO: 05 CV 11718 RGS

COLLETTE BRIGHTMAN,  
Plaintiff,

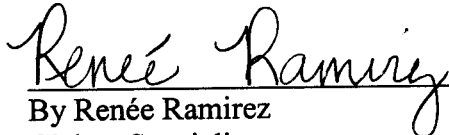
v.

J.C. PENNEY, INC.,  
Defendant.

**CERTIFICATION OF**  
**DEFENDANT J.C. PENNEY,**  
**INC., PURSUANT TO LOCAL**  
**RULE 16.1(D)(3)**

Now comes the defendant, J.C. Penney, Inc. (so-called) ("J.C. Penney"), properly named as J.C. Penney Corporation, Inc., and pursuant to Rule 16.1 of the Local Rules of the United States District Court for the District of Massachusetts, certifies that it and its counsel have conferred: (a) with a view to establishing a budget for the costs of conducting the full course—and various alternative courses—of the litigation and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

J.C. Penney Corporation, Inc.,  
improperly named as J.C. Penney, Inc.,

  
By Renée Ramirez

Claims Specialist  
Legal Department, J.C. Penney Corporation, Inc.

The Defendant,  
J.C. Penney Corporation, Inc.,  
improperly named as J.C. Penney, Inc.,  
By its attorneys,

*/s/ Philip M. Hirshberg*

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Richard R. Eurich, BBO #156600  
Philip M. Hirshberg, BBO #567234  
MORRISON MAHONEY LLP  
250 Summer Street  
Boston, MA 02210-1181  
(617) 439-7500

### **CERTIFICATE OF SERVICE**

I, Philip M. Hirshberg, do hereby certify that I have, this date, served the foregoing document upon Scott D. Peterson, Esquire, Healy & Healy, P.C., 15 Walnut Street, Wellesley Hills, MA 02481.

Dated: October 25, 2005

*/s/ Philip M. Hirshberg*

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